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EXAMINER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Art Unit: 2423

Applicant's arguments filed 11/24/2009 have been fully considered but they are not persuasive.

Applicants provides arguments directed towards the independent claims' limitation

"the transmission unit **checks whether a reference frame of a frame** to be transmitted after resuming transmission of the video data has been transmitted or not, and if the reference frame has not been transmitted, transmits the substitute I frame data to the reception terminal for the frame for which the reference frame has not been transmitted before resuming transmission of the video data.". (emphasis on bolded portion)

Applicant on page 16 has interpreted this limitation as checking subsequent inter-coded frames after an initial frame.

Examiner respectfully disagrees. While the claim limitation doesn't exclude this interpretation, the claim language merely requires the checking a reference frame.

Bourne discloses on page 6 paragraph [0068] and figure 6 step 630 the encoder checking to see whether and Intra-coded frame has already been transmitted. This reads on the limitation of "the transmission unit **checks whether a reference frame of a frame** to be transmitted...", as an I-frame is "**a reference frame of a frame**".

/Andrew Y Koenig/  
Supervisory Patent Examiner, Art Unit 2423